

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kaua'i Police Commission	Meeting Date	March 18, 2016
Location	Mo'ikeha Building – Meeting Room 2A/B		Start of Meeting: 9:00 a.m.	End of Meeting: 9:57 a.m.
Present	<p>Chair Charles C.C. Iona; Vice-Chair Mary K. Hertog; Members: Gerald Bahouth, Kevin Mince, James R. O'Connor and Donald Okami Sr.</p> <p>Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Jay Furfaro; Deputy County Attorney Mahealani Krafft. Police Department: Assistants Chief Robert Gausephol and Richard Rosa; and Lt. Kenneth Cummings.</p>			
Excused	Commissioner Savita Agarwal			
Absent				

SUBJECT	DISCUSSION	ACTION
Call To Order	<p>After calling the meeting to order, Chair Iona announced that Commissioner Agarwal is on family leave and is unable to attend the meeting.</p>	Chair Iona called the meeting to order at 9:00 a.m. with six (6) members present constituting a quorum.
Approval of Minutes	<p>Regular Open Session Minutes of February 26, 2016.</p> <p>After the approval of meeting minutes, Administrator Furfaro along with the Commissioners thanked Commissioner O'Connor, for his dedicated service as a member of the Kaua'i Police Commission. Commissioner O'Connor tenure ends today after serving six (6) years on the Police Commission.</p> <p>Commissioner O'Connor stated that it has been an honor to serve alongside such fine people and that he would like the public to know that the job is being done and a lot of progress is being made. He also thanked the men and women in Kaua'i Police Department for their on-going efforts to keeping the community safe.</p>	Commissioner O'Connor moved to approve the meeting minutes of February 26, 2016. Vice Chair Hertog seconded the motion. The motion carried 6:0

SUBJECT	DISCUSSION	ACTION
Officer of the Month Detective Anthony Morita	<p>Detective Anthony Morita was nominated as the department's Officer of the Month by the Investigative Services Bureau for being the lead detective in a murder investigation in September of last year. While announcing the nomination, Lt. Kenneth Cummings of Investigative Services Bureau stated, "Murder is the most rigorous and painstaking investigation in law enforcement and at times many of the cases go unsolved. However, through an intensive investigation, led by Detective Morita, his team was able to locate and detain the suspect by the days end.</p> <p>For his accomplishments, Assistant Chief Robert Gausephol presented Detective Morita with a certificate of exemplary service and dedication to his duties. In receiving his reward, Detective Morita stated that his successes were due to a true team effort by all and is a testament to the department's commitment to keeping the community safe.</p> <p>Chair Iona thanked Detective Morita for his on-going efforts to keeping the community safe. He stated that although the incident occurred in Līhu'e, the work that Detective Morita and his team have done was felt on the Westside and on the Northshore, and for that he is truly grateful and thankful.</p> <p>Vice Chair Hertog said that Detective Morita's humble attitude speaks volumes of his professionalism and dedication to solving such a complicated case in a matter of hours, which she found was truly amazing.</p> <p>Commissioner Okami stated that as a resident of Līhu'e, he was in shock when he heard that the incident occurred in the proximity of the Līhu'e ballpark. But because the case was solved so quickly, it gave the community some sense of relief to know that the suspect was caught and arrested. He thanked Detective Morita and his team for doing such an outstanding job.</p>	

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	<p>Commissioner O’Connor thanked Detective Morita and his team for doing an outstanding job that led to the capture of the murder suspect.</p> <p>Commissioner Bahouth echoed the comments of his fellow Commissioners noting Detective Morita’s outstanding investigative skills is a credit to all of the men and women in the Kaua‘i Police Department.</p> <p>Before moving onto the Chief’s monthly reports, Chair Iona recognized Assistant Chief Robert Gausephol who will be taking the place of Chief Perry.</p>	
Chief’s Monthly Reports	<ol style="list-style-type: none"> 1. Administrative and Technical Bureau – Recruitment, Records Section and Training Reports 2. Fiscal Report 3. Investigative Services Bureau – General Crimes Section, Special Focus Section and Vice Section 4. Bench Warrant Tracking 5. Patrol Services Bureau Monthly Activity and Traffic Reports 6. Community Oriented Policing Traffic and /District Reports for Līhu‘e, Hanalei and Waimea 7. Chief’s Announcements and Pertinent Updates <p>Referencing the CALEA Accreditation report dated April 18, 2012, Vice Chair Hertog asked if the numbers under the heading standard represent the different type of polices in the department that have not yet been enacted and must go through legal review first. Assistant Gausephol explained that the numbers represent all of the different General Orders. More specifically, the color green represents the General Orders that are in compliance, and the color purple represents the General Orders that is in the process of being in compliance; as indicated in the legend on the top of the report.</p>	

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	<p>Commissioner O’Connor asked if August is the focal point of trying to get the recognition. Assistant Chief Gausephol explained that the department hired an independent contractor (accreditor) to facilitate the interaction with the department’s accreditation manager to provide guidance on the applicability of standards and attaining compliance. He further explained that after the self-assessment phase was completed, the contractor gave the department the okay to move onto the next phase, which is the on-site assessment phase, and they are trying to procure the funds to do that.</p> <p>On the nine (9) audits that were conducted from videos from the different sworn personnel, four (4) had issues relating to the use of the device (Body Worn Cameras). Vice Chair Hertog asked what were those issues to which Assistant Chief Gauesphol replied that he is not sure and he would get the information for her.</p> <p>Chair Iona asked if the assessment is based on a blanket assessment or is it based on the size of department (similar to KPD), and if allowances are made for the departments with limited vehicles, dispatchers and beats per officer. Assistant Chief Gausephol stated that KPD will not be held to a standard that would be impossible for the department to meet.</p> <p>With no further questions or new announcements, Chair Iona moved onto agenda item KPC 2015-12.</p>	
Business KPC 2015-12	<p><u>On-going discussion on the Kaua‘i Police Department’s Budget for FY 2016/2017.</u></p> <p>Chair Iona asked Commissioners Hertog and Bahouth if they had any new updates to provide on the budget to which both Commissioners replied they had no new updates to provide.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Hertog shared at the State of the County Address that was held yesterday, Mayor Carvalho highlighted KPD’s innovative way of thinking relating to the SRO’s positions (School Resource Officer), Traffic Safety Monitors and the School Crossing Guards, which she hopes will fare well when it goes over to council for consideration.</p> <p>She asked Assistant Chief Gausephol if the memorandum of understanding that was sent to the Department of Education prior, regarding the SRO’s, had been signed to which Assistant Chief Gausephol replied he’s not sure and will get the information for her.</p> <p>With no further discussion, Chair Iona moved onto agenda item KPC 2016-06.</p>	
<p>KPC 2016-06</p>	<p><u>Discussion relating to the current Police Commission Rules of Administrative Practice and Procedure.</u></p> <p>Commissioner Mince reported that he was able to obtain the old Police Commission rules dating far back as 1972, 1995, 2007, 2008 and 2014, which is the current version. He stated that after he reviewed all of the rules, he created a written summary and sent it to Vice Chair Hertog.</p> <p>Commissioner Mince stated that he would like to propose two (2) recommendations but would like to know what direction the Commission would like to take in terms of updating the current rules. His first recommendation is to make the powers and duties that are delegated to the Police Commission and numerated in the Charter clearer, correct the typos and re-order the nine (9) rules that are currently in the Commission’s rules so that the duties and powers of the Commission are more prominent than they are currently, and his second recommendation is to do nothing.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Mince stated that after he reviewed the Honolulu and the Big Island Police Commission’s rules, he noticed that the other islands tend to incorporate their citizen complaints findings and citizen complaint categories in their rules, and Kaua‘i does not. Which prompted him to ask the question, where is the residual memory (when all of us are gone) to help the next Commission, suggesting that is something the Commission might want to include in the rules.</p> <p>He also pointed out that although the Kaua‘i Police Commission rules mirrors the other island rules pretty closely, Maui Commission is the only Commission whose rule gives the Commissioners the authority to hire, dismiss and discipline the Chief of Police, which, from what he understands, is an issue pending in the Intermediate Court of Appeals.</p> <p>Additionally, Commissioner Mince mentioned that he was missing a copy of Appendix (A), which is listed in the index but was not included in his copy of the rules, but through Mercedes they were able to locate the document. He stated that what he found interesting is Appendix (A) references Hawai‘i Revised Statutes 78-1, which is the residency requirement for the Chief. He stated perhaps in the future when the Commission has to search for a new Police Chief, it would be helpful to have that as a reference.</p> <p>Chair Iona stated that if the Commissioners all agree with him, what he would like to do is have Commissioner Mince send his report to Mercedes for placement on the next meeting agenda for discussion on how the Commission would like to proceed to which the Commissioners agreed.</p> <p>With no further discussion, Chair Iona read the announcements.</p>	

SUBJECT	DISCUSSION	ACTION
Announcements	<p>Next regular meeting – Friday, April 22, 2016, at 9:00 a.m. at the Mo`ikeha Building, Meeting Room 2A/2B. Followed by Executive Session.</p> <p>Vice Chair Hertog cited the Hawai'i Revised Statutes to bring the meeting into Executive Session.</p>	
Executive Session ES-33	Pursuant to the Hawai'i Revised Statutes §92-4 and §92-5 (a) (4), the purpose of this Executive Session is for the Commission to consult with its attorney as to the powers, duties, privileges, immunities, and liabilities as they may relate to a Declaratory Action to determine the powers of the Mayor and the powers of the Police Commission. (On-going)	
ES KPC 2016-005	Pursuant to the Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session minutes of February 26, 2016 , and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.	
ES KPC 2016-006	<p>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to dismissal, or discipline of an employee or officer of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to the following agenda items:</p> <p><u>ES KPC 2016-006:</u> New notarized complaint KPC 2016-002, received on February 19, 2016. The complaint alleges while driving past the tennis courts in Kapa'a an off-duty officer passed the complainant and gave the complainant the stink eye.</p>	

SUBJECT	DISCUSSION	ACTION
	Chair Iona called for a motion to enter into Executive Session.	Commissioner O'Connor moved to enter into Executive Session. Commissioner Okami seconded the motion. The motion carried 6:0 At 9:30 a.m. the Commissioners' entered into Executive Session.
Return to Open Session to ratify the actions taken in Executive Session	At 9:57 a.m. the Commissioners reconvened in Open Session. Chair Iona called for a motion to ratify the actions taken in Executive Session.	ES-33: On-going. ES KPC 2016-005: Motion carried 6:0 to approve the Executive Session meeting minutes of February 26, 2016. ES KPC 2016-006: Based on the lack of evidence, the Commissioners voted 6:0 to not uphold the allegations in the complaint.
Adjournment	With no further business to conduct, Chair Iona called for a motion to adjourn the meeting.	Commissioner O'Connor moved to adjourn. Vice Chair Hertog seconded the motion. The motion carried 6:0 At 9:57 a.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Charles C.C. Iona, Chair

☒ Approved as circulated on April 22, 2016.
☐ Approved as amended. See minutes of _____ meeting.